

REMARKS

In accordance with the foregoing, claims 3 and 8 have been amended, and claim 18 has been cancelled. Claims 3, 4, 8, 9, 11, 12, 15, and 16 are pending and under consideration.

On page 3 of the Office Action, claims 3, 8, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,209,089 (Selitrennikoff) in view of U.S. Publication No. 2002/0156965 (Gusler).

Selitrennikoff is directed to methods and systems for adjusting an operation system configuration according to changes in hardware components of a client computer. According to Selitrennikoff, the server sends information relating to the previous client hardware configuration to the client computer. The client computer compares its current hardware configuration to the previous hardware configuration information, thereby identifying its new hardware components. Information identifying the new hardware components is then sent to the server. The server locates operating system components that support the new hardware components and stores them in a repository at the server. The reconfigured operating system is then downloaded to the client computer and boots on the client computer.

Gusler is directed to a method and apparatus for backing up data on a computer. According to Gusler, a backup image of the data in the computer is created. The backup image from the location in the computer is requested by a server.

Applicants respectfully submit that independent claims 3 and 8 are patentable over the references, as neither Selitrennikoff nor Gusler, taken alone or in combination, teaches or suggests, "said unit periodically acquiring the selected one kind of data from said client before said replacement," as recited in independent claim 3, for example.

Although Selitrennikoff states that the client computer obtains a copy of data files, application programs, and other information that were stored on the server computer, Selitrennikoff does not provide or suggest information regarding periodically acquiring data from the client before replacement. Rather, Selitrennikoff simply discloses a standard backup procedure.

As Gusler merely discloses that backup image data is requested by the server, Gusler also does not disclose information regarding periodically acquiring data from a client before replacement.

Therefore, independent claims 3 and 8 (claim 8 recites language similar to claim 3) are patentable over the references, as neither of the references, taken alone or in combination,

teaches or suggests the above-identified feature of the claims. As dependent claim 11 depends from independent claim 3, Applicants respectfully submit that claim 11 is patentable over the reference for at least the reason presented for independent claim 3.

On page 4 of the Office Action, claims 4 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,209,089 (Selitrennikoff) in view of U.S. Patent No. 6,487,718 (Rodriguez).

Applicants respectfully submit that independent claims 4 and 9 are patentable over Selitrennikoff in view of Rodriguez, as neither Selitrennikoff nor Rodriguez, taken alone or in combination, teaches or suggests, "an application program included in the data, which is backed up in the environment at the time of initially setting said client, is updated to the latest version thereof until the replacement of said hard disk," as recited in claim 4, for example.

On page 4 of the Office Action, the Examiner acknowledges that Selitrennikoff does not disclose updating application programs. The Examiner, however, alleges that Rodriguez teaches "updating applications to the latest version."

Rodriguez clearly states that the snapshot image is updated, not an application program. See Rodriguez, column 6, lines 62-64. The snapshot image is simply a collection of the user operating environment. See Rodriguez, column 6, lines 42-46. Therefore, Applicants respectfully submit that the operating environment is updated in Rodriguez. Applicants respectfully submit that Rodriguez actually teaches away from the present invention, as the application program in Rodriguez is installed anew, not updated. See Rodriguez, column 7, lines 9-11

Therefore, independent claims 4 and 9 (independent claim 9 recites language similar to that of independent claim 4) are patentable over Selitrennikoff, in view of Rodriguez, as neither Selitrennikoff nor Rodriguez, taken alone or in combination, teaches or suggests the above-identified feature of the claims.

As Selitrennikoff, Rodriguez, nor Gusler, taken alone or in combination, teaches or suggests, "an application program included in the data, which is backed up in the environment at the time of initially setting said client, is updated to the latest version thereof until the replacement of said hard disk," claim 12, via claim 4, is patentable over the references.

As Selitrennikoff, Gusler, nor Cheffetz, taken alone or in combination, teaches or suggests, "said unit periodically acquiring the selected one kind of data from said client before said replacement," claim 15, via claim 3, is patentable over the references.

As Selitrennikoff, Rodriguez, nor Cheffetz, taken alone or in combination, teaches or suggests, "an application program included in the data, which is backed up in the environment at the time of initially setting said client, is updated to the latest version thereof until the replacement of said hard disk," claim 16, via claim 4, is patentable over the references.

In accordance with the foregoing, it is submitted that the pending claims patentably distinguish over references of record taking singularly or any proper combination.

It is further submitted that the application is in condition for allowance, which action is earnestly solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 4-11-06

By: 

Reginald D. Lucas
Registration No. 46,883

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501